

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-7
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0162 - Prunty Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800-7804 South First Street (South Boggy Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Prunty, L.P. (Kurt Prunty). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0162

Z.P.C. DATE: November 1, 2005
November 15, 2005

ADDRESS: 7800 – 7804 South First Street

OWNER: Prunty, L.P. (Kurt Prunty)

AGENT: Thrower Design
(Ron Thrower)

ZONING FROM: DR **TO:** GR **AREA:** 0.914 acres (39,813.84 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 1, 2005: *APPROVED A POSTPONEMENT REQUEST TO 11/15/05 (STAFF).*
[J. MARTINEZ; J. GOHIL – 2ND] (9-0)

November 15, 2005: *APPROVED GR-MU-CO DISTRICT ZONING, WITH THE CONDITIONAL OVERLAY LIMITED TO RESTAURANT (GENERAL) AS THE ONLY GR USE AND ALL PERMITTED LR USES; PROHIBIT DRIVE-THRU USES; AND 2,000 TRIPS.*

[K. JACKSON; M. HAWTHORNE – 2ND] (7-0) J. MARTINEZ, J. GOHIL – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject property is undeveloped, zoned development reserve (DR) and access is taken to South First Street. There are commercial uses to the south at the corner of Dittmar and South First Street; commercial uses, undeveloped land and single family residences east of South First Street; undeveloped land proposed for commercial and multifamily zoning adjacent to the west (CS; MF-1 by C14-05-0161), and the Longhorn pipeline easement, a warehouse, and single family residences on lots of varying sizes to the north. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the community commercial (GR) district, and the Applicant's letter describes potential uses for development, including office, financial services, retail, parking, restaurant, food sales and auto-related uses.

The Staff supports neighborhood commercial (LR) zoning, a more restrictive commercial district that is consistent with the zoning and land uses located at the corner of Dittmar and South First Street. Many of the uses of interest to the Applicant (16 of 25) are allowed in the LR district, except for the following: automotive rentals, automotive repair, automotive washing, commercial off-street parking, communications services, exterminating services, general retail sales (general); personal improvement services, and restaurant (general). Furthermore, GR zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). The Staff is also recommending the Mixed Use designation to allow for residential development to occur in conjunction with commercial uses, or in combination with the recommended MF-1-CO zoning on the adjacent property to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR	Undeveloped (proposed for CS); Pipeline easement; Undeveloped; Warehouse; Single family residences on lots of varying sizes
<i>South</i>	DR; LR	Child care facility; Service station; Several single family residences
<i>East</i>	LR; SF-3	Service station; Retail; Undeveloped; Single family residences
<i>West</i>	SF-4A-CO; SF-2-CO; DR; NO-MU-CO; SF-6-CO	Single family residences; Undeveloped; Pipeline easement; Church; Cell tower

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 26 – Far South Austin Community Association
- 41 – South Boggy Creek Neighborhood Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District

SCHOOLS:

Casey Elementary School – 110% at capacity in 2005
 Bedichek Middle School – 83% at capacity in 2005
 Charles Akins High School – 101% at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief. Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0019	SF-2-CO to SF-4A	Indefinite postponement request by the Applicant; then Expired	N/A
C14-04-0142	SF-2 to SF-3	To Grant SF-3-CO	Approved SF-3-CO with the CO limiting the number of driveways to one (joint) driveway (11-18-04).
C14-02-0069	DR to LO	To Grant NO-MU-CO with CO limited to day care (general) and permitted SF-2 uses with building and impervious cover limited to SF-2 development regulations.	Approved NO-MU-CO as ZAP recommended (8-29-02).
C14-02-0039	DR to SF-6	To Grant SF-6-CO, to allow for a telecommunications tower, with SF-2 development standards.	Approved SF-6-CO zoning as recommended by the Zoning and Platting Commission (6-27-02).
C14-02-0018	DR to MF-1	Withdrawn	N/A
C14-93-0122	SF-2 to SF-4A	To Grant SF-4A with a maximum of 209 units.	Approved SF-4A as recommended by PC (11-18-93).

RELATED CASES:

There are no related cases on the subject property.

ABUTTING STREETS:

STREET NAME	ROW	PAVEMENT	CLASSIFICATION
Cooper Lane	Varies	24 feet	Collector
Dittmar Road	96 feet	20 feet	Collector with sidewalks
South First Street	80 feet	50 feet	Arterial

- There are no existing sidewalks along Cooper Lane or South First Street.
- Bike Routes 82 and 84 run along Cooper Lane and Dittmar Road respectively.
- Capital Metro bus service is available along South First Street via route # 64.

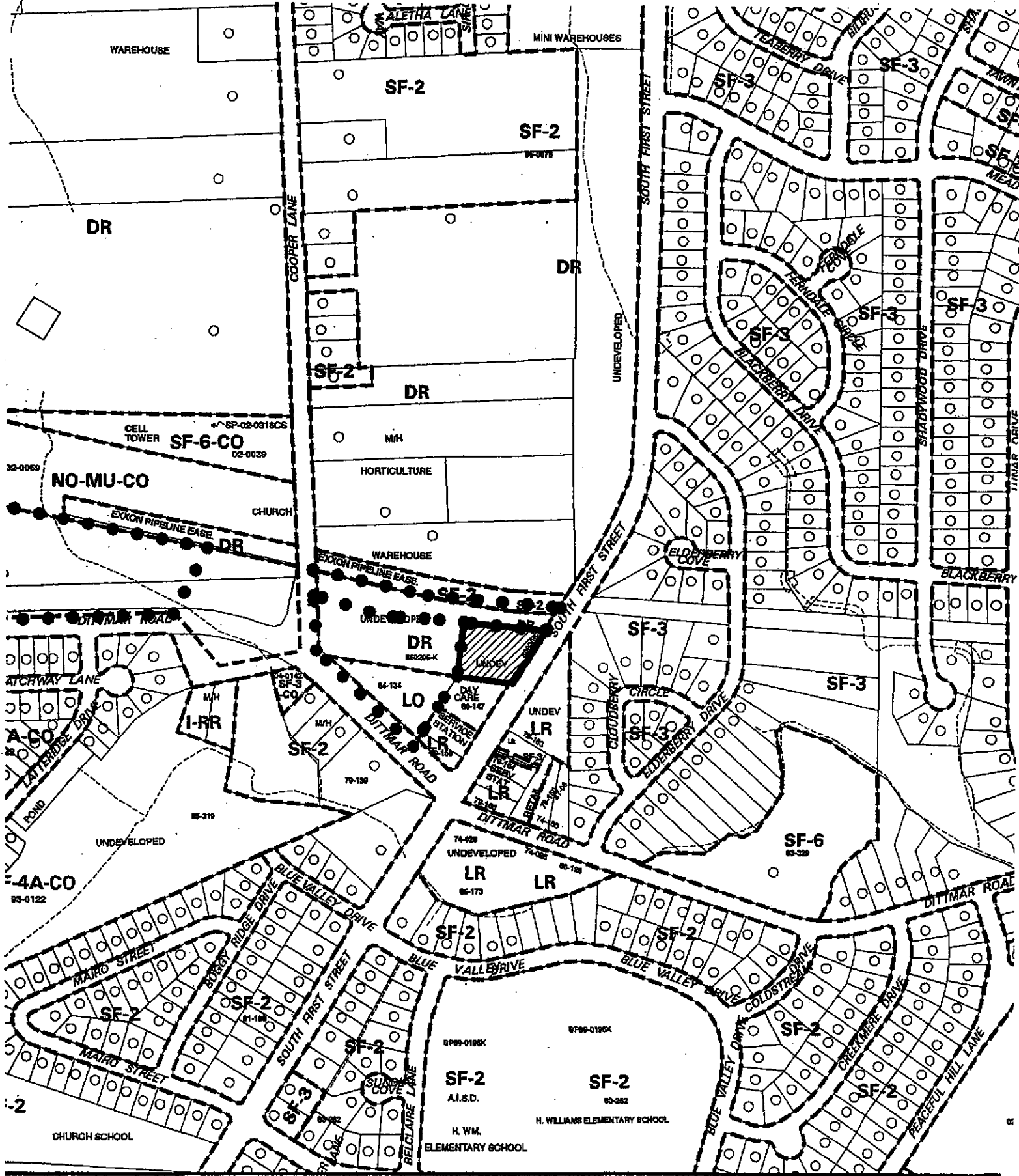
CITY COUNCIL DATE: December 15, 2005 **ACTION:**


ORDINANCE READINGS: 1st 2nd 3rd

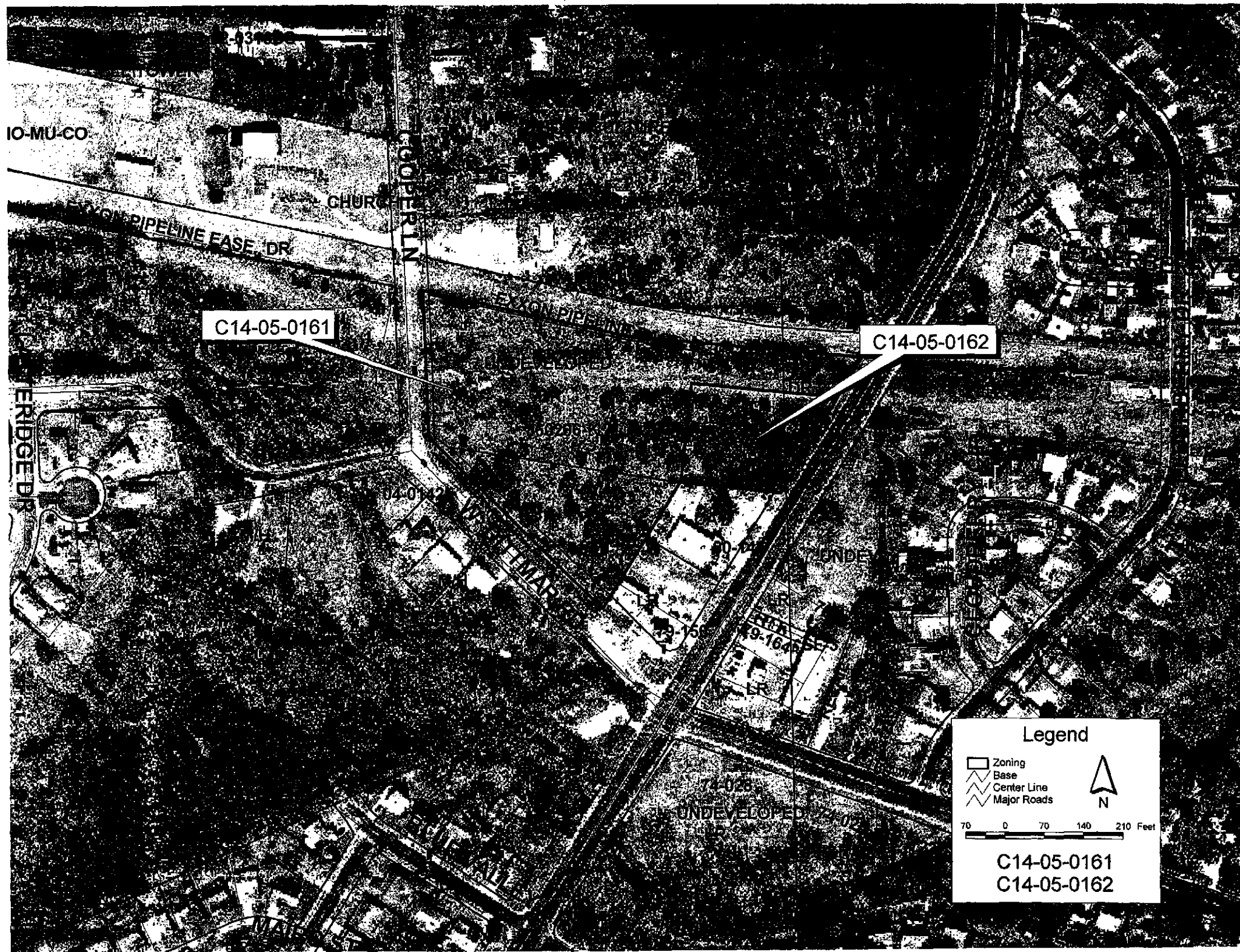
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



<p>  SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH </p>	<p align="center"> ZONING Exhibit A </p> <p> CASE #: C14-05-0162 ADDRESS: 7800-7804 SOUTH FIRST ST. SUBJECT AREA (acres): 0.914 </p> <p> DATE: 05-10 INTLS: SM </p>	<p> CITY GRID REFERENCE NUMBER F15 </p>
---	--	--



C14-05-0161

C14-05-0162

Legend

- Zoning
- Base
- Center Line
- Major Roads

70 0 70 140 210 Feet

C14-05-0161
C14-05-0162

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily trips to 2,000.

BACKGROUND

The subject property is undeveloped, zoned development reserve (DR) and access is taken to South First Street. There are commercial uses to the south at the corner of Dittmar and South First Street; commercial uses, undeveloped land and single family residences east of South First Street; undeveloped land proposed for commercial and multifamily zoning adjacent to the west (CS; MF-1 by C14-05-0161), and the Longhorn pipeline easement, a warehouse, and single family residences on lots of varying sizes to the north.

The Applicant proposes to rezone the property to the community commercial (GR) district, and the Applicant's letter describes potential uses for development, including office, financial services, retail, parking, restaurant, food sales and auto-related uses.

The Staff supports neighborhood commercial (LR) zoning, a more restrictive commercial district that is consistent with the zoning and land uses located at the corner of Dittmar and South First Street. Many of the uses of interest to the Applicant (16 of 25) are allowed in the LR district, except for the following: automotive rentals, automotive repair, automotive washing, commercial off-street parking, communications services, exterminating services, general retail sales (general); personal improvement services, and restaurant (general). Furthermore, GR zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). The Staff is also recommending the Mixed Use designation to allow for residential development to occur in conjunction with commercial uses, or in combination with the recommended MF-1-CO zoning on the adjacent property to the west.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed community commercial (GR) zoning district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to South First Street.

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood

Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.” The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The Staff supports neighborhood commercial (LR) zoning, a more restrictive commercial district that is consistent with the zoning and land uses located at the corner of Dittmar and South First Street. Furthermore, GR zoning and development standards would introduce more intensive zoning than is present in the surrounding area and land uses (LR; LO). The Staff is also recommending the Mixed Use designation to allow for residential development to occur in conjunction with commercial uses, or in combination with the recommended MF-1-CO zoning on the adjacent property to the west.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and slopes to the southwest and southeast. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR or the LR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 3,722 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustments. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The site is subject to compatibility standards. Along the east property line, the following standards apply:

• No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

This site is subject to the Hazardous Pipeline Ordinance. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation. LDC, 25-2-516(D)(2)

Thrower Design

2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

September 23, 2005

Ms. Wendy Walsh
Neighborhood Planning & Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: C14-05-0161 & C14-05-0162

Dear Wendy,

Thank you for meeting with me yesterday to discuss the above referenced zoning cases. As per our meeting of yesterday I am providing you with the following information in regards to the above referenced zoning cases.

This site is a total of 5.44 acres with frontage on South First, Dittmar Road & Cooper Lane. Two pipelines encumber the property along the north and the easement and setback areas contain 1.74 acres and effectively eliminate the habitable use of 2.29 acres leaving a balance of 3.15 acres for potential habitable development. This southern 3.15 acres is encumbered with a 2.07 acre Water Quality Transition Zone from South Boggy Creek located across Dittmar Road which would allow a total of 0.62 acres of impervious cover within that zone. This leaves a net area of 1.08 acres that is 100% useable without easement or setback encumbrances.

We derived at the zoning categories requested with the rezoning requests based on the above information as well as looking at the surrounding uses, location, tree coverage, access, and many other factors. Individually, the requested rezonings are warranted for consideration for the following reasons:

"CS" Zoning – 1.44 acres

This area is the far northern portion of the property in the location of the pipeline easements and setbacks. Topography is flat with the land sloping southwest and south east. Tree coverage is limited

L A N D P L A N N E R S

to approximately 25% of the area and is concentrated along the northern property line towards South First Street. The City of Austin Pipeline Ordinances provides for very strict standards for development and limited use of the property. The request for "CS" takes this into account with an opportunity to provide for a viable income producing use on the property while adhering to the regulations for construction near pipelines. The following is a list of the few potential permitted uses allowed under "CS" zoning which are greatly leaning towards those that are minimally occupied with pedestrians or personnel;

- | | |
|---|-------------------------------|
| 1. Commercial Off-Street Parking | 5. Kennels |
| 2. Construction Sales & Services | 6. Off-Site Accessory Parking |
| 3. Convenience Storage | 7. Plant Nursery |
| 4. Drop-off Recycling Collection Facility | 8. Vehicle Storage |

While these uses are typically not found interior to sites, the uniqueness of the site conditions, location, access and other factors warrants consideration for this request. As a consideration to provide for proper screening of these uses we can agree to an increased landscape buffer along South First and Cooper Lane to shield these from public view. This is offered as an effort to provide for an aesthetically pleasing site entrance area without the use of just solid fencing at the property line.

"MF-1" Zoning – 3.09 Acres

This area is located along the southern boundary of the property with frontage on Dittmar Road and Cooper Lane. The entire 2.07 acre Water Quality Transition Zone lies within this area which is 67% of the "MF-1" site. Impervious cover is allotted at 30% of the WQTZ and 80% of the Uplands Zone allowing a total of 1.44 acres of impervious cover based on environmental regulations. With the "MF-1" zoning at 45% the allowable impervious cover would be 1.39 acres. However, landscaping, ponds, setbacks (both building and pipeline) will limit the impervious cover further. Access to this property requires further study but will likely not occur on Dittmar Road due to the limited frontage likely to remain close to the Dittmar / Cooper intersection after a pond is placed for the development of the property. As such access will likely be to Cooper Lane only for this site. Tree coverage for this site is sporadic and careful placement of multi-family structures can retain some trees within the development as an amenity to the site.

"GR" Zoning – 0.91 Acres

This area is located along South First Street and is extensively covered with trees. A commercial use of this site is warranted given the arterial roadway classification of South First, the adjacent development of a day care use to the south as well as the lack of, and unlikelihood of, residential use directly across South First. The future Commercial Design Standards is scheduled for adoption by the time this site is developed and the 10' building line associated with "GR" zoning will help create an economically useable site with the endeavors associated with the Commercial Design Standards. The following as a list of permitted uses that could be developed on the site;

- | | |
|-------------------------------------|--|
| 1. Administrative / Business Office | 14. General Retail Sales (Convenience & General) |
| 2. Art Gallery | 15. Medical Offices |
| 3. Art Workshop | 16. Off-Site Accessory Parking |
| 4. Automotive Rentals | 17. Personal Improvement Services |
| 5. Automotive Repair | 18. Personal Services |
| 6. Automotive Washing | 19. Pet Services |
| 7. Commercial Off-Street Parking | 20. Printing & Publishing |
| 8. Communication Services | 21. Professional Office |
| 9. Consumer Convenience Services | 22. Restaurant (Limited & General) |
| 10. Consumer Repair Services | 23. Software Development |
| 11. Exterminating Services | 24. Communication Service Facilities |
| 12. Financial Services | 25. Day Care Services (All) |
| 13. Food Sales | |

For the above reasons, warrants and considerations, we believe the property is suitable for development as envisioned with the two rezoning applications and respectfully request positive consideration to allow for the property to be developed accordingly.

Should you have any questions, or need additional information, please contact me at my office.

Sincerely,



A. Ron Thrower

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: November 28, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0161 and C14-05-0162

- 19. Zoning: C14-05-0161 – Prunty Tracts**
Location: 7720 South First Street; 7801 – 7805 Cooper Lane; 630 – 640 Dittmar Road, South Boggy Creek Watershed
Owner/Applicant: Prunty, L.P. (Kurt Prunty)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed to 11/15/05 (Staff)
Request: **DR; LO to CS for Tract 1; MF-1 for Tract 2**
Staff Rec.: **RECOMMENDATION OF W/LO-CO FOR TRACT 1; MF-1-CO FOR TRACT 2**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department
- 20. Zoning: C14-05-0162 – Prunty Tracts**
Location: 7800 – 7804 South First Street, South Boggy Creek Watershed
Owner/Applicant: Prunty, L.P. (Kurt Prunty)
Agent: Thrower Design (Ron Thrower)
Postponements: Postponed to 11/15/05 (Staff)
Request: **DR to GR**
Staff Rec.: **RECOMMENDATION OF LR-MU-CO**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Ms. Wendy Walsh, Staff made the Staff presentation for both rezoning cases.

Mr. Ron Thrower, Agent for the Applicant, made his presentation. He explained the encumbrances of the property, including the pipeline and its easements, compatibility setbacks and location within the water quality transition zone, a limited area of uplands zone, and that the pond would be located on Dittmar Road. He cited a desire to limit CS uses on the property.

FAVOR

No one spoke in favor of the proposed rezoning cases.

OPPOSITION

Ms. Betty Edgemon, Far South Austin Community Association, stated that she did not think CS zoning was appropriate for the area and that the pipeline had been there for over half a century, many years before the owner bought the property. She mentioned that the Applicant had expressed a desire to develop the property with vehicle storage uses. She stated she did not want automotive uses, pawn shop services; no adult-oriented uses. She stated her agreement with the staff recommendation of W/LO zoning in addition to convenience storage use on Tract 1, and MF-1 zoning on Tract 2.

Commissioner Hawthorne – Asked for Ms. Edgemond's opinion about a wholesale plant nursery and Ms. Edgemond replied that she did not think that was a problem and that she could work with the Applicant on how the property could be developed with this use. She re-stated her preference for W/LO zoning.

Madame Chair Baker stated that any human activity near a pipeline should be discouraged and asked Ms. Edgemond for her opinion about convenience storage. Ms. Edgemond replied that in her conversations with the Mr. Thrower, he had said he could not do that.

Mr. John Ogden, a Neighbor who lives north of the pipeline, also spoke in opposition. He mentioned that he grows plants that he donates, and that Cooper Lane is a quiet residential street and that commercial uses would diminish the quality of the neighborhood. He also noted improvements made to various properties on Cooper Lane in recent years. He said he was in agreement with the Staff recommendation for C14-05-0161.

Commissioner Hawthorne – Asked for Mr. Ogden's opinion of a plant nursery and Mr. Ogden said he was not opposed to that use.

Madame Chair Baker asked Mr. Thrower how long the property had been owned by the current owner and Mr. Thrower answered six months. Mr. Thrower also stated that if vehicle storage were allowed, then screening would occur and said automotive uses were not proposed.

REBUTTAL

Mr. Thrower said that by the Staff recommendation of W/LO, he would have to go to the Board of Adjustment to get convenience storage on the property, because the W/LO district requires 100 feet of street frontage and he did not have that much street frontage on Tract 1.

Madame Chair Baker asked Ms. Edgemond if she would support a variance request to the amount of street frontage, and Ms. Edgemond re-stated her opposition to automotive uses and that a plant nursery would bring 18-wheeler trucks onto Cooper Lane. Madame Chair Baker asked the Staff if the 100-foot street frontage requirement could be fulfilled by combining that on Cooper Lane and South First Street. Ms. Walsh stated she did not know if the frontages could be combined to meet the requirement.

MOTIONS

Commissioner Hawthorne and Commissioner Pinnelli moved to close the public hearing.

For Agenda Item #19 (C14-05-0161), Commissioner Jackson made a motion to recommend approval of CS-CO district zoning for Tract 1, with the only CS uses being convenience storage and plant nursery, and all permitted W/LO uses, and MF-1-CO

district zoning for Tract 2, as Staff recommended. A conditional overlay of 2,000 trips would also apply over Tracts 1 and 2, as Staff recommended.

Commissioner Hawthorne – Seconded the motion.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, HAWTHORNE
FOR TRACT 1, APPROVED CS-CO
DISTRICT ZONING WITH THE
CONDITIONAL OVERLAY FOR
CONVENIENCE STORAGE AND
PLANT NURSERY, AND ALL
PERMITTED W/LO USES FOR TRACT
1.**

**FOR TRACT 2, APPROVED MF-1-CO
DISTRICT ZONING AS STAFF
RECOMMENDED.**

**THE CONDITIONAL OVERLAY
INCLUDES A 2,000 TRIP
LIMITATION OVER TRACTS 1 AND
2.**

AYES:

**JACKSON, HAWTHORNE, BAKER,
DONISI, HAMMOND, PINNELLI,
RABAGO**

NAYS:

NONE.

ABSENT:

MARTINEZ, GOHIL

MOTION CARRIED WITH VOTE: 7-0.

For Agenda Item #20 (C14-05-0162), Commissioner Jackson made a motion to recommend approval of GR-MU-CO district zoning, with the conditional overlay to limit GR uses to restaurant (general) and all permitted LR uses and 2,000 trips.

Madame Chair Baker made a friendly amendment to prohibit drive-through uses which was accepted by Commissioner Jackson.

Commissioner Hawthorne – Seconded the motion.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, HAWTHORNE
APPROVED GR-MU-CO DISTRICT
ZONING WITH THE CONDITIONAL
OVERLAY LIMITED TO
RESTAURANT (GENERAL) AS THE
ONLY GR USE AND ALL PERMITTED**

AYES:

NAYS:

ABSENT:

**LR USES, 2,000 TRIPS AND TO
PROHIBIT DRIVE-THROUGH USES.**

**JACKSON, HAWTHORNE, BAKER,
DONISI, HAMMOND, PINNELLI,
RABAGO**

NONE.

MARTINEZ, GOHIL

MOTION CARRIED WITH VOTE: 7-0.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 7800-7804 SOUTH FIRST STREET FROM
3 DEVELOPMENT RESERVE (DR) DISTRICT TO COMMUNITY
4 COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from development reserve to community commercial-mixed use-
11 conditional overlay (GR-MU-CO) combining district on the property described in Zoning
12 Case No. C14-05-0162, on file at the Neighborhood Planning and Zoning Department, as
13 follows:
14

15 A 0.914 acre tract of land, more or less, out of the William Cannon Survey No. 19,
16 Abstract No. 6, in Travis County, the tract of land being more particularly
17 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
18 "Property"),
19

20 locally known as 7800-7804 South First Street, in the City of Austin, Travis County,
21 Texas, and generally identified in the map attached as Exhibit "B".
22

23 PART 2. The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:
25

26 1. A site plan or building permit for the Property may not be approved, released, or
27 issued, if the completed development or uses of the Property, considered cumulatively
28 with all existing or previously authorized development and uses, generate traffic that
29 exceeds 2,000 trips per day.
30

31 2. The following uses are conditional uses of the Property:
32

33 Medical offices (exceeding 5000 sq. ft.
34 of gross floor area)

35 Community recreation (public)

36 Hospital services (limited)
37

Congregate living

Community recreation (private)

Group home, Class II

Residential treatment

3. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Bail bond services
Business support services
Communications services
Exterminating services
Funeral services
Hospital services (general)
Indoor entertainment
Outdoor sports and recreation
Pawn shop services
Research services

Automotive repair services
Automotive washing (of any type)
Business or trade school
Commercial off-street parking
Drop-off recycling collection facility
Food preparation
General retail sales (general)
Hotel/motel
Indoor sports and recreation
Outdoor entertainment
Personal improvement services
Theater

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

2005

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

C14-05-0162

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road

Building One

Austin, Texas 78704

**0.914 ACRES
ZONING DESCRIPTION
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF A 0.914 ACRE (APPROXIMATELY 39,817 SQUARE FEET) TRACT OF LAND BEING A PORTION OF 4.625 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.914 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap set for the southeast corner of the said 4.625 acre tract, being also an angle point in the west right-of-way line of South 1st Street (variable right-of-way width);

THENCE North 83°06'52" West, with the south line of the said 4.625 acre tract, also being the west right-of-way line of South 1st Street, a distance of 11.03 feet to a 1/2" rebar found for the northeast corner of Lot 1, Andersonville Subdivision, a subdivision of record in Volume 83, Page 93C of the Plat Records of Travis County, Texas;

THENCE North 83°06'52" West, with the south line of the said 4.625 acre tract and the north line of said Andersonville Subdivision, a distance of 169.39 feet to a 1/2" rebar found for the northwest corner of Lot 1 of said Andersonville Subdivision, also being the northeast corner of a 1.369 acre tract of land described in Volume 12082, Page 598 of the Deed Records of Travis County, Texas;

THENCE North 06°53' 08" East, over and across the said 4.625 acre tract, a distance of 176.31 feet to a calculated point in the approximate centerline of a 50 foot gas pipeline easement described in Volume 430, Page 153, also described in Volume 1359, Page 264 and further described in Volume 4086, Page 1600, all recorded in the Deed Records of Travis County, Texas (centerline based on gas markers);

THENCE South 84°34'12" East, over and across the said 4.625 acre tract, with the approximate centerline of said 50 foot gas pipeline easement, a distance of 264.47 feet to a calculated point on the east line of the 4.625 acre tract, also being in the west right-of-way line of South First Street, from which a 1/2" rebar found for the northeast corner of the 4.625 acre tract bears North 31°31'44" East, a distance of 85.66 feet;

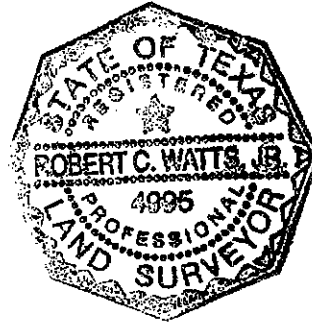
THENCE South 31°31'44" West, with the east line of the 4.256 acre tract and the west right-of-way of South First Street, a distance of 201.36 feet to the **POINT OF**

BEGINNING, and containing 0.914 acres of land, more or less.

Surveyed on the ground in July, 2005. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing 487-001-Z3.

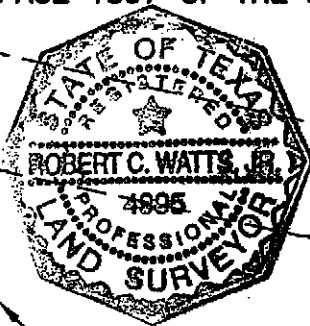


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



8-30-05

SKETCH TO ACCOMPANY A DESCRIPTION OF A 0.914 ACRE (APPROXIMATELY 39,817 SQUARE FEET) TRACT OF LAND BEING A PORTION OF 4.625 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6, TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO BILL FITZGERALD, TRUSTEE AND PHILIP PRESSE, DATED JULY 5, 1972 AND RECORDED IN VOLUME 4387, PAGE 1397 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.



Robert C. Watts Jr. 8-30-05

1.17 ACRES
LONGHORN PARTNERS PIPELINE, L.P.
(13051/151, DESCRIBED IN 963/225)

COOPER LANE
(R.O.W. VARIES)

APPROXIMATE
CENTERLINE PIPELINE
(BASED ON GAS
MARKERS)

(4.625 ACRES)
BILL FITZGERALD &
PHILIP PRESSE
(4387/1397)

S84°34'12"E 264.47'

0.914 ACRES
(APPROXIMATELY 39,817
S.F.)

N06°53'08"E
176.31'

N83°06'52"W
169.39'

P.O.B.

DATE OF SURVEY:
07/26/2005
PLOT DATE: 08/30/2005
DRAWING NO.: 487-001-Z3
PROJECT NO.: 487-001
SHEET 1 OF 1

WEST DITTMAR ROAD
(R.O.W. VARIES)

BEARING BASIS: GRID AZIMUTH FOR
TEXAS CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA CONTROL
NETWORK.

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 487-001-Z3

LINE TABLE

No.	BEARING	LENGTH
L1	N83°06'52"W	11.03'
L2	N31°31'44"E	85.66'

(1.369 ACRES)
PHILIP PRESSE &
CHARLES R. BURTON
(12082/598)

LOT 1
ANDERSONVILLE
SUBDIVISION
(83/93C)

LOT A
DITTMARVILLE
(77/52)

LOT B
DITTMARVILLE
(77/52)

SOUTH 1ST STREET
(R.O.W. VARIES)

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR WITH CAP SET
- CALCULATED POINT
- SQUARE BOLT FOUND

Chaparral

